IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

WP(C).No. 11015 of 2007(J)

PETITIONER:

SARASAMMA, AGED 70 YEARS,
W/O.LATE PARAMU, THENGUVILA THEKKETHIL,
MUTHUPILAKAD, PORUVAZHI P.O., KOLLAM DISTRICT.

BY ADV. SRI.V.PHILIP MATHEW

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
SECRETARY, DEPARTMENT OF HOME, KERALA GOVERNMENT
SECRETARIAT, THIRUVANANTHAPURAM.

2. SUPERINTENDENT OF POLICE,
KOLLAM.

3. S.I. OF POLICE, SASTHAMCOTTA.

BY GOVERNMENT PLEADER SRI. GIKKU JACOB

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

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W.P.C.No. 11015 of 2007 J

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Dated this the 11th day of June, 2007

JUDGMENT

The petitioner is the mother of a deceased person. He had committed suicide. The petitioner complained that the said suicide was abetted by his former wife and his later wife as well as their relatives. He had left a suicide note, in which he had stated that false raising of allegations of matrimonial cruelty by the wives before the police is responsible for his choosing the course of suicide.

2. A crime was registered. Investigation by the police revealed that it was not a case of suicide because of abetment by any one. The deceased was guilty of matrimonial cruelty against both wives and they had complained before police and it is in these circumstances that the suicide had taken place. No act of abetment of suicide was committed either by the two wives or their relatives. In these circumstances it is submitted by the police that the petition is without any merit.

3. I have gone through the recitals in the suicide note and the averments in the complaint. I have gone through the statement by

the Investigating Officer. I am not satisfied that there is any merit in the grievance raised by the petitioner that a proper investigation has not been conducted. Elements to indicate abetment of suicide are not there at all. The deceased may have chosen to unfortunate path of ending his life because of his disappointment in life. But there is significantly nothing to indicate that the suicide was committed by him at the abetment of his wives or their relatives. In these circumstances I am satisfied that there is no justification in the prayer for invocation of the powers under Article 226 of the Constitution against the investigation conducted.

4. This Writ Petition is accordingly dismissed.

(R. BASANT)
Judge

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